

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>v.</b>	§	<b>CAUSE NO. 15-CR-04268-JB</b>
	§	
<b>ANGEL DELEON, et. al.</b>	§	

***DEFENDANTS SUGGESTION THAT THE GOVERNMENT IS MORE VIOLENT  
THAN DEFENDANTS AND OBJECTION TO THE REQUEST IN [Doc. 1520]***

Eleven-year old Plaintiff A.R. Jr. was asleep on a couch facing a door around 5 a.m. on May 8, 2013. He did not know or suspect that he, nine-year old A.R. and twelve-year old F.R. would be woken up by explosive devices thrown into their house by United States Agents. The impact of the explosive device used, was such that, A.R. Jr. could not breath for a “period of time,” blood came out of his head and shoulder area and ended up crying profusely in terrible pain.<sup>1</sup>

The agents ended up entering this premises with a warrant that omitted material information such as the subject of the search was not known to have ever used firearms, or violently resisted a police officer. The affidavit by the Agent failed to mention that “minor children were living in the trailer”, explosive devices would be used to enter the trailer and that the subject of the search was known to leave the house often such that he could have “easily been arrested away from the house.”<sup>2</sup>

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<sup>1</sup> These facts are taken from a lawsuit against Special Agent Brian Acee and others in a matter that has now been settled. The Cause No. was 2:15-cv-01021-WJ-LAM.

<sup>2</sup> See Petition in the above civil cause on paragraphs 14-15.

These three are not the only individuals to have suggested that Special Agent Acee has a tendency for “unreasonable execution of search warrant[s].”<sup>3</sup> This was the exact claim that was alleged against Vancouver Police Officer Brian Acee in 2010 based on the execution of a search warrant at the home of an individual who had no connection to any criminal acts.

The Defendants, JOE LAWRENCE GALLEGOS, EDWARD TROUP, BILLY GARCIA, ALLEN PATTERSON, CHRISTOPHER CHAVEZ, ARTURO ARNULFO GARCIA, DANIEL SANCHEZ, ANTHONY RAY BACA, CHRISTOPHER GARCIA, CARLOS HERRERA, RUDY PEREZ, ANDREW GALLEGOS, SHAUNA GUTIERREZ by their appointed counsel, and object to the governments blatant attempt in [Doc. 1520] to suggest that malfeasance would occur during trial and or its attempt to limit Defendants’ Constitutional right to cross examine witnesses.

Defendant Joe Gallegos would specifically point out to the Court that the murder he is charge with from 2012 ended with a finding of no probable cause by the magistrate that was involved in that hearing.<sup>4</sup> However, it would be a half-truth to state that the only problem with the 2012 murder is that it was dismissed by a judge after hearing the presentation by the State of New Mexico. This is because in addition to Joe and Andrew Gallegos being no-pc’d for the offense, the investigation also had focused at one time on Detectives in the Los Lunas Police Department.

Defendant Joe Gallegos and the other defendants raise these issues because the United

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<sup>3</sup> See Cause filed in 3:10-cv-05423-RBL in The United States District Court for the Western District of Washington at Tacoma, alleging that Vancouver Police Officer Brian Acee authored and unreasonably executed a search warrant that resulted in the death of a innocent uninvolved party.

<sup>4</sup> The United States appears to have waited until the materials supporting that decision were destroyed to have elected to prosecute Mr. Gallegos for the offense for which no probable cause was determined.

States is playing a game in this case of attempting to control the litigation through fear. However, this fear is misplaced when directed at the defendants, as it is simply the storyline that the Government is attempting to use. Defendants do not believe or know how “personal information” of the families or others would be relevant or useful at trial, however they also would not imagine that the Case Agent would be alleged to have been responsible for as many deaths as one of the defendants in the time period of 2010 to the present. Therefore, defendants object to the smearing and improper use of a motion in limine in an attempt to poison the well with this Court.

Wherefore the Court is requested to DENY the Government’s request in [Doc. 1520] and simply expect that the parties, Government and Defendants, will proceed professionally and ethically in both trials of this cause.

Dated: December 19, 2017.

Respectfully Submitted,

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